IN THE HIGH COURT OF UTTARANCHAL
AT NAINTIAL

Criminal Misc. Application No. 614 of 2006

1. Shekhar Joshi S/o Shiv Dutt Joshi
2. Shiv Dutt S/o Sri Narottam
3. Ganga Devi W/o Shiv Dutt
   All R/o Bhagwanpur Bichhalla
   P.S. Haldwani
4. Smt. Neema W/o Umesh Chandra
   R/o Pawalgarh
   P.S. Kaladungi
5. Smt. Kamla W/o Suresh Chandra Sharma
6. Smt. Deepa W/o Umesh Chandra
7. Umesh Chandra S/o Padma Dutt Pandey
   All R/o Beri Parao
   Himmatpur
   P.S. Haldwani
8. Kailash Chandra S/o Devi Dutt
   R/o Chaurgali P.S. Kathgodam
   All District Nainital. .....Applicants

Versus

1. State of Uttaranchal
2. Nand Kishore S/o Urva Dutt Khulbe
   R/o Village Lootabarh
   P.S. Ramnagar
   District Nainital .....Respondents

Smt. Pushpa Joshi, learned counsel for the petitioners.
Learned A.G.A. is for the State.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the petitioners for quashing the criminal proceedings in criminal Case No. 348 of 2006 State of Uttaranchal & another Vs. Shekhar Joshi & others under Sections 498-A, 304-B of I.P.C. and ¾ Dowry Prohibition Act pending in the court of Civil Judge (J.D.)/Judicial Magistrate, Bageshwar.

2. Brief facts giving rise to this petition are that the respondent No. 2- Nand Kishor filed a complaint against the petitioners on 09.02.2006 under Section 498-A, 304-B of

I.P.C. and ¾ Dowry Prohibition Act. The complainant-father of the deceased- Neetu was married with Shekhar Joshi on 05.05.2006. Since beginning her husband as well as her in-laws had committed cruelty upon the deceased-Neetu for demand of dowry.

3. After investigation the matter and having recorded the statements of family members of the complainant, the police submitted the chargesheet on 22.03.2006. Thereafter, the Magistrate after having perused the documents available on record took cognizance against the petitioners on 29.03.2006.

4. Feeling aggrieved by the aforesaid impugned summoning order, this petition has been filed by the petitioners quashing the criminal proceedings pending before the court below.

5. Heard Smt. Pushpa Joshi learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

4. After having considered the arguments of the learned counsel for the petitioners, I am of the view that there is no abuse of process of court in this case. I am not supposed to act as a trial judge in order to assess the evidence which are still incomplete and hazy. It is for the trial judge to appreciate the evidence, which is yet to lead by the parties concerned before him. While exercising the jurisdiction under Section 482 Cr. P.C., I am not supposed to pre-judge, the police papers and any discrepancies therein.

5. The allegations against the petitioners in the First Information Report and the material collected by the Investigating Officer during the investigation are referred in the chargesheet and the prima-facie case makes out the offence. I therefore, do not find any ground for quashing the criminal proceedings at this state.

6. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition is dismissed.

03.08.2006 **(B.C. Kandpal, J.)**
ASWAL